



THE STATE OF WYOMING

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Department of Environmental Quality

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March 30, 1998

Faxed 3/30/98

(b) (6)
Arcadia, CA 91007

Certified # P244 439 573
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(b) (6)
Salt Lake City, UT 84121

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(b) (6)
Prescott, AZ 86303-4229

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RE: R.J./Silver Eagle/Southwestern Refinery(s), LaBarge, Wyoming

Dear Sirs:

On March 25 and 26, a WDEQ inspector, accompanied by an EPA enforcement officer, visited the above site for purposes of re-evaluating the site conditions and observing containment operations related to two drums found buried near the old fire water ponds (March 18, 1998 WDEQ letter and March 23, 1998 Laidlaw response). During this site visit, additional items of immediate concern were identified. These concerns include:

1. A chemical storage area located in a back room of a Quonset hut. This structure is currently being leased to a third party. The chemicals are old, but stacked on shelves. Some of the chemicals have legible labels. Some of the chemicals have begun crystallizing. The inspectors could not determine if the chemicals were stable. There is an estimated 50 to 100 bottles of varying sizes.
2. A TEL drum was identified and there was evidence it has not been properly abandoned.

3. Numerous seeps and stained soils were identified throughout the facility. Reports from local residents indicate that the soils/water (surface and ground) are so heavily contaminated in certain areas, that any excavation could prove dangerous.
4. The access portals on the storage tanks previously identified have not been secured.
5. The two buried drums remain. Further investigation indicates these drums are under water and have rusted out entirely, leaving the contents in contact with the environment.
6. Several leaking, unlabeled drums were identified near the south edge of the refinery. These drums were located in an area which did not have any form of protection either for the drums or for the surrounding soils/environment.
7. Some materials were noted inside the fenced lead handling facility which could be asbestos.
8. One small leaking barrel of unknown material reportedly lead containing or containing red die associated with the leading process was located on a concrete pad identified as an earlier lead handling facility.

Due to the increased hazards these items represent at this site, the Department has determined immediate action to assess any threat to human health and the environment must be undertaken. In the absence of adequate and timely response to our two previous requests for voluntary action, the Department has determined the only remaining prudent and reasonable action is to request assistance from an EPA evaluation team. Such a team is currently scheduled for a complete site evaluation and stabilization beginning in early April of this year. As such, the Department is seeking your voluntary cooperation to provide reasonable access to this facility. The Department further requests you provide any specific site information which may be available to optimize these efforts.

Please note that activating an EPA evaluation team could result in immediate corrective action also to be undertaken by the EPA. It is normally the policy of the EPA to seek restitution for actions taken under emergency response, such as those identified in this letter. Should you disagree with this response and wish to take appropriate voluntary action equivalent to that described, please respond by 1:00 PM March 31, 1998. Failure to respond will be interpreted as your agreement to provide access.

Furthermore, I must tell you that absent your voluntary cooperation, the Department will consider taking a formal enforcement action (which may seek to recover penalties in addition to hazard identification and corrective action as provided in the Wyoming Environmental Quality Act).

R.J. Refinery
March 30, 1998
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Should you have any questions regarding the site visits, this or the previous correspondence, or the planned actions, please contact Lynda Fivas at (307) 473-3450.

Sincerely,



David Finley
Administrator, Solid and Hazardous Waste Division (SHWD)

cc:

(b) (6)



David Evans, Attorney
Johanna Miller, EPA Emergency Response, Region VIII